

APR 07 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lin, et al

Serial No.: 09/393,803 Case No.: 19188PCA

Filed: September 10, 1999

For: COORDINATE IN VIVO GENE EXPRESSION

Art Unit: 1636

Confirmation No.: 3309

Examiner:

Leffers, Gerald, Jr., Ph.D

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450RESPONSE TO ADVISORY ACTION BEFORE FILING OF APPEAL BRIEF

Sir:

In response to the Advisory Action mailed 01 April 2005, Applicants HAND DELIVER COPIES of the Amendment after Final, Petition to Extend Time under 37 C.F.R. § 1.136(a) for one (1) month and Transmittal Sheet, all filed via telefax to the central facsimile number on 25 March 2005. As this application is currently under final rejection, Applicants also include, via HAND DELIVERY, a Petition to Extend Time under 37 C.F.R. § 1.136(a) for an additional month, up to and including 02 May 2005. Therefore, if no fee was charged upon entry of the 25 March 2005 telefax, then a fee is due for a two month extension for a large entity (\$450). Otherwise, a fee a \$330 is due to extend time for responding an additional month, up to and including Monday, 02 May 2005. In the event any additional extension of time is required, please treat this paper as a request under 37 C.F.R. §1.136(a) to extend the time as required, and charge Deposit Account No. 13-2755 the appropriate fee as a large entity. Please credit any overpayment or charge any fee deficiency to Deposit Account No. 13-2755.

Respectfully submitted,

Date: 5 April 2005By: J. Mark Hand

Reg. No. 36,545

Attorney for Applicant

Merck &amp; Co., Inc. P.O. Box 2000

Rahway, NJ 07065-0907

(732) 594-3905

CERTIFICATE OF FACSIMILE TRANSMISSION  
UNDER 37 C.F.R. 1.8(a)

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**TODAY'S DATE:** April 7, 2005

**PLEASE DELIVER THE FOLLOWING MATERIALS TO:**

Examiners Name: Gerald G. Leffars, Jr.  
Examiner/Group Telefax Number: (703) 872-9306 [AFTER FINAL]  
Group Art Unit: 1636

**THIS MESSAGE IS FROM:**

Name: J. Mark Hand, Esq.  
Phone No.: (732) 594-3905  
Mail Location: RY60-30  
Telefax No.: (732) 594-4720

**RE:** U.S. Appl. Serial No.: 09/393,803  
Filing Date: September 9, 1999  
Applicants File Ref: 19188PCA  
For: COORDINATE IN VIVO EXPRESSION

**NUMBER OF PAGES BEING TRANSMITTED (INCLUDING COVER):** 17

Following a communication from Examiner Leffars mailed April 1, 2005 wherein our Response faxed on March 25, 2005 was of such poor quality that a copy must be submitted, Applicants herewith are re-faxing the following items so that a readable copy can be given to Examiner Leffars.

Including:

1. Amendment under Final, 37 C.F.R. §1.116 (previously faxed on 3/25/05)
2. Petition to Extend Time, 37 C.F.R. §1.136(a) (previously faxed on 3/25/05)
3. Amendment Transmittal Fee Sheet (previously faxed on 3/25/05);
4. Facsimile cover sheet of 3/25/05;
5. A 'Response to Advisory Action before Filing of Appeal Brief dated 4/5/05;
6. A Petition to Extend Time for a 2 month period dated 4/5/05.

**IF THIS COPY BEING FAXED IS OF A POOR QUALITY OR NOT READABLE, APPLICANTS WOULD VERY MUCH APPRECIATE A COPY BE MADE TO DR. HAND AT 732 594-3905 TO ADVISE HIM, IF AT ALL POSSIBLE, SINCE THERE IS A RUNNING DUE DATE.**  
Thank you.

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Alina Roche

April 7, 2005

PAGE 1/17 \* RCVD AT 4/7/2005 11:42:41 AM [Eastern Daylight Time] \* SVR:USPTO-EFAX-1/0 \* DNIS:8729306 \* CSID:7325944720 \* DURATION (mm-ss):04-48

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\*\*\*\*\* -COMM. JO. AL- \*\*\*\*\* DATE MAR-25-2005 TIME 09:36 \*\*\*\*\*

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TODAY'S DATE: March 25, 2005

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Examiners Name: Gerald G. Laffare, Jr.  
 Examiner/Group Telefax Number: (703) 872-9306 [AFTER FINAL]  
 Group Art Unit: 1636

THIS MESSAGE IS FROM:

Name: J. Mark Hand, Esq.  
 Phone No.: (732) 594-3903  
 Mail Location: RY60-30  
 Telefax No.: (732) 594-4720

REF: U.S. Appl. Serial No.: 09/393,803  
 Filing Date: September 9, 1999  
 Applicant File Ref: 19188PCA  
 For: COORDINATE IN VIVO EXPRESSION

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING COVER): 14

- Including:
1. Acknowledgment under Final, 37 C.F.R. §1.114
  2. Petition to Amend Time, 37 C.F.R. §1.136(a)
  3. Transmittal Fee Sheet

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March 25, 2005

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PATENT  
CASE NO. 19188PCA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450In re application of: LIU, ET AL.Serial No. 09/393,803Filed September 10, 1999Group Art Unit 1636Examiner Leffers, Gerald, Jr., Ph.D.For: COORDINATE IN VIVO GENEX EXPRESSION

APR 28 2005

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below.

## CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims	* <u>27</u>	-	** <u>44</u> =	<u>0</u> X	\$50	= <u>0.00</u>
Independent Claims	* <u>8</u>	-	*** <u>14</u> =	<u>0</u> X	\$200	= <u>0.00</u>
Multiple Dependent Claims					\$360 ****	= <u>0.00</u>
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT →						0.00

- \* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
- \*\* If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.
- \*\*\*\* Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 0.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

Respectfully,

  
 By: J. Mark Hand

Attorney \_\_\_\_\_ for Applicant(s)

Reg. No. 36,545
 MERCK & CO., INC.  
 Patent Dept., RY60-30  
 P.O. Box 2000  
 Rahway, N.J. 07065-0907

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MERCK &amp; Co., Inc.

 By: Gene Roche Date: 3/25/05

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